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TOWNSEND SAN DIEGO

013/015

Appl. No. 09/732,164
Amdt. dated September 26, 2003
Reply to Office Action of March 26, 2003

PATENTREMARKS

This communication is being sent in response to the Office Action dated March 26, 2003. Enclosed separately is a Petition for an Extension of Time with authorization to charge our deposit account for a three month extension to and including September 26, 2003. In addition, this correspondence is being facsimile transmitted to the United States Patent and Trademark Office as noted above on September 26, 2003. In addition, the Revocation and Power of Attorney is also being separately filed herewith appointing Thomas E. Coverstone and Townsend and Townsend and Crew, LLP as the attorneys of record for the Assignee, PreSep, LLC. In addition, separately filed on today's date is an Assignment from Jack Moorehead to PreSep, LLC.

35 U.S.C. § 132 Objection

In the Office Action dated March 26, 2003, the Examiner objected to the Response to Office Action filed January 23, 2003 under 35 U.S.C. § 132 because allegedly it introduced new matter into the disclosure.

Enclosed herewith is an amendment to the specification which deletes the portion that the Examiner objected to in the previous addition to the specification. It is believed that the amendment included herein makes the objection under 35 U.S.C. § 132 moot.

35 U.S.C. § 112, first paragraph

The Examiner objected to claims 63-74 under 35 U.S.C. § 112, first paragraph, as allegedly containing subject matter that was not described in the specification in a reasonable way to convey one skilled in the art at the time the application was filed.

The amendment to claim 63 included herein changes the words "suction device" to "suction pump" in paragraph (g) of claim 63, therefore, the Examiner's rejection to claim 63-74 under 35 U.S.C. § 112, first paragraph, should be removed, since claims 64-74 depend from independent claim 63.

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PATENT35 U.S.C. § 112, second paragraph

The Examiner rejected claims 75-87 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Examiner stated that in claim 75 "said blender" lacked clear antecedent basis. In addition, in claim 75 the Examiner stated that "mixing chamber" and "adjacent to said mixing chamber" appear to be descriptive since the specification appears to be drawn to a blender mixing chamber with nozzles located above and in alignment with the slots, respectively.

Claim 75 is amended herein to delete the words "said blender" in paragraph (c) and instead now state "a blender" in paragraph (c). In addition, in paragraph (d) the words "adjacent to said mixing chamber" have been deleted and the words "said nozzles located above and in alignment with said slots" have been added. It is believed that these amendments remove the Examiner's rejection under 35 U.S.C. § 112, second paragraph. Claims 76-87 depend from claim 75.

Also in the Office Action the Examiner stated that claims 63 and 75, if properly written to overcome the above 35 U.S.C. § 112 rejections, would be made allowable. It is believed that the above amended claims render the claims allowable and therefore claims 63-87 are in condition for allowance.

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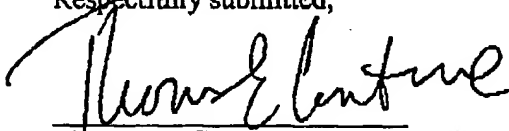
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PATENT**CONCLUSION**

On the basis of the above statements, it is believed that the application is ready for issuance. If the Examiner has any questions or comments regarding this response, the Examiner is respectfully urged to contact the undersigned at the number listed below.

Respectfully submitted,



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Reg. No. 36,492

Date: September 26, 2003

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